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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 HERMELINDA GONZALEZ,

12 Plaintiff,

13 v.

14 ANDREW SAUL,

15 Defendant.
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No. 1:20CV1244-DAD-HBK (SS)

ORDER GRANTING STIPULATED
MOTION FOR AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES

(Doc. No. 21)

20 Pending before the court is Plaintiff's stipulated motion for attorney fees filed May 24,
21 2021. (Doc. No. 21). Plaintiff seeks attorney's fees and expenses in the amount of \$5,121.77
22 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

23 On May 13, 2021, the district court granted the parties' Stipulation for Voluntary Remand
24 pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the
25 Commissioner for further administrative proceedings. (Doc. No. 19). Judgment was entered the
26 same day. (Doc. No. 20). Plaintiff now moves for an award of fees as the prevailing party under
27 that order. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920;
28 *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a

1 sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

2 The Commissioner does not oppose the requested relief. (*See* Doc. No. 21 at 2). After
3 issuance of an order awarding EAJA fees and costs, the United States Department of the Treasury
4 will determine whether plaintiff owes a debt to the government. If plaintiff has no discernable
5 federal debt, the government will accept plaintiff's assignment of EAJA fees and pay the fees
6 directly to plaintiff's counsel.


7 Accordingly, it is **ORDERED**:

8 1. The stipulated motion for attorney fees and expenses (Doc. No. 21) is **GRANTED**.

9 2. Plaintiff is awarded fees in the amount of five thousand one hundred twenty-one
10 dollars and seventy-seven cents (\$5,121.77) in attorney fees and expenses. Unless the
11 Department of Treasury determines that plaintiff owes a federal debt, the government must pay
12 the fees to plaintiff's counsel in accordance with plaintiff's assignment of fees and subject to the
13 terms of the stipulated motion.

14
15 IT IS SO ORDERED.

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17 Dated: May 25, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE